

## MINUTES

### NATURAL RESOURCES COMMISSION

Sault Ste. Marie Country Club  
1520 Riverside Drive  
Sault Ste. Marie

October 7, 2004

#### PRESENT FOR THE COMMISSION

Mary Brown  
Keith Charters, Chair  
Bob Garner, Vice-Chair  
Jerry Hall  
John Madigan  
Frank Wheatlake

#### PRESENT FOR STAFF

Rebecca Humphries, Director  
Dennis Fedewa, Chief Deputy  
Mindy Koch, Resource Management Deputy  
Jim Ekdahl, Upper Peninsula Field Deputy  
James Riley, Office of the Attorney General  
Department Staff

**Chairman Charters** recognized **Representative Tom Casperson**.

### COMMITTEE OF THE WHOLE

**Chairman Charters** called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:25 p.m. on Thursday, October 7, 2004. The Committee of the Whole is a working session of the NRC.

**Commissioner Madigan** presented the NRC and the Director with a hand-made, hand-carved fishing net, made by Iversen Snowshoe Company from Shingleton. He appreciates the NRC coming to the Upper Peninsula (UP) to hear the issues from the UP public. He also announced that there would be a reception at the home of a friend and local business person, Frenchie LaJoie immediately following adjournment of the NRC meeting.

The NRC thanked Commissioner Madigan for hosting the meeting in the UP.

#### UP HABITAT WORK GROUP UPDATE

**Commissioner Madigan, Chair of the UP Habitat Work Group**, said that a lot has been accomplished, yet a lot remains to be done. **Bill Scullon, DNR, Wildlife Division and Lester Livermore, Hiawatha Sportsmen's Club and Chair of the Acquisitions Subcommittee**, presented a UP Habitat Work Group update. To date, nine meetings have been held with the most recent meeting held on August 21 in Munising. A great deal was covered, including: Landowner Incentive Program (LIP) update; a presentation by Forest, Mineral and Fire Management Division (FMFMD) on Forest Certification and UP habitat issues; development of a Habitat Conservancy looking at how to protect lands that are in danger of loss for habitat development; and subcommittee reports. Updates from subcommittees were presented: Industrial Subcommittee that reviews partnerships with forest management professionals and the

forest management industry; and the National Forest Subcommittee held discussions with the National Forest Service regarding forest management plans.

**Commissioner Madigan** asked how much UP winter habitat acreage has been purchased since the onset of the Work Group? **Bill Scullon** responded that four parcels have been purchased totaling 1581 acres, another 40 acre parcel is up for Director's Action later in the meeting, another parcel coming forward in November, and others in the future. A total of 4000 acres are under review. This acreage is being purchased to preserve winter habitat for deer. **Commissioner Madigan** said that the Work Group is interested in hearing from the sportsmen and women on what is critical to them when purchasing property and habitat. Involving the sportsmen/women and stakeholders is critical. The Acquisitions Subcommittee did just that. They communicated with sports groups and devised a plan of purchases.

**Lester Livermore** thanked the Acquisition Subcommittee members for attending from various locations across the UP. The Subcommittee developed recommendations based on input from biologists, foresters and the hunting public to guide DNR staff when considering purchase of land for preserving critical deer habitat, utilizing a scoring process to determine purchases. The charges of this Subcommittee were: 1) to identify key attributes of critical deer habitat and potential deer habitat across the region; 2) develop recommendations, descriptions and justifications for the UP Habitat Work Group's consideration on an attribute priority for scoring of acquisitions apparatus that reflects the Subcommittee's unique perspective which could be used by MDNR Wildlife Division when making acquisition decisions; 3) identify any relevant landowner contact information or acquisition strategies for identified areas; 4) possibly provide additional perspective and input on identification of critical areas. The recommendations were presented to the the UP Habitat Work Group for submittal into the DNR's land acquisition strategy.

**Chairman Charters** thanked **Commissioner Madigan** and the members of the UP Habitat Work Group, as well as members of the Subcommittees, for their efforts in developing habitat opportunities for future generations. **Commissioner Madigan** stated that the recommendations by the Acquisitions Subcommittee will be reviewed by DNR staff and utilized for purchasing prime habitat in the UP.

## **DIRECTOR'S REPORT**

### **Mourning Dove Hunting Season Update**

**Mike Bailey, Wildlife Division**, reported that dove hunting has been permitted for nearly a month. As of Saturday, October 2, 4472 dove hunting licenses have been sold. Many hunters are hunting doves for the first time, but the hunting pressure has been light. Law Enforcement Division (LED) Officers have not issued any tickets and no reports have been received by LED on illegal dove hunting.

### **Waterfowl Youth Hunting Season Update**

**Mike Bailey** reported that there was good participation in the major water systems, however, weather conditions did limit hunting a bit, however.

### **Youth Deer Hunting Season Update**

**Mike Bailey** reported that there was an increase in youth license sales this year over past years. Wildlife staff expect that over 6000 deer will be harvested during the youth season, and it is expected that over 600 deer heads will be tested. **Mr. Bailey** said that there was an increase in female hunters during the youth season.

### **LAKE SUPERIOR FISHERIES UPDATE**

**Steve Scott, Fisheries Division**, said the lake trout population in Lake Superior was on the verge of collapse in early 1900's. Through stocking and highly restrictive regulations, however, the population has returned, and the Lake now has a natural self-sustaining population. Stocking no longer occurs. Both creel surveys conducted by the DNR and independent angler data indicate that the lake trout catch is increasing over time with the recreational fishers taking the majority. Lake Superior is known as a world-class trout fishery. Salmon populations in Lake Superior are decreasing due to the trout dominating the food sources; however, coho remain the second most commonly caught sport fish on Lake Superior. Significant salmon stocking is occurring to create a diverse fishery. The United States and Canada are managing Lake Superior together. **Mr. Scott** reviewed 5-year catch data comparing Lakes Huron, Michigan and Superior and the total catch of coho, chinook and lake trout, with lake trout being vastly higher in Lake Superior than any other salmonid species in the other lakes.

### **FOREST MANAGEMENT UPDATE**

**Bernard Hubbard, Acting Chief, FMFMD**, commented that the forest industry is critical in Michigan. It is important that various agencies work together to raise timber production through forest management in an attempt to address a short-term solution to low timber production. Over 800,000 cords of timber in the UP have been sold but not harvested, due some to the lack of loggers, and to the inability to locate logging companies who are able to access land that is too wet to harvest. **Mindy Koch, Resource Management Deputy**, stated that the DNR has been reluctant to open some wet areas for harvesting because the bidding process the companies have to follow do not require them to discern if they have the technology to access these areas. She believes that the industry should participate in the compartment review process when the decisions to sell are being made. The DNR is in the process of hiring additional FMFMD to mark and harvest timber.

### **LEGISLATIVE UPDATE**

**Rodney Stokes, Legislative Liaison**, reviewed the following Legislation:

House Bill 5313, School Forest Bill: This bill requires the DNR to relinquish reversionary interest in municipal forestland conveyed to a public agency within three years of the Act becoming law or within 90 days of a written request by the public agency, whichever comes first. The public agency would then sell the land for fair market value and 50 percent of the funds go to the public agency and 50 percent goes to the State. The first \$18 million in total proceeds to the State goes into the General Fund. Any proceeds over \$18 million are to be deposited in the Forest Protection Fund. **Commissioner Garner** questioned whether the timber industry was involved in this process and said this is a Legislative exacerbation of the low timber harvest problem.

House Bill 4225, Lowering of Minimum Age for Hunting Licenses for Firearm Season: This bill would lower the age for hunting during firearm season for large game to 12 years old, or the year in which a person turns 12 years old. The person must be accompanied during the hunt by a parent, guardian, or a person authorized by a parent or guardian who is 17 years of age or older. The DNR has concerns regarding safety and the age in which a 12 year-old can be accompanied during the hunt and this caused the DNR to reevaluate its position on the bill. This bill will likely move following the November 4 election. **Director Humphries** noted that the DNR wants to do a better job of ensuring safety and recruitment. She said this is an important issue and the Department will continue to work with the Legislature to review the appropriate age at which youth start hunting.

House Bill 5784, Land Transfer Bill: This bill would give the State Administrative Board the right to exchange 286 acres of DNR land in Island Lake Recreation Area for 37 acres of private land inside the boundaries of the Brighton Recreation Area. Local and statewide interest groups have expressed opposition to this bill. A meeting is scheduled in mid-October between the DNR, the developer, Green Oak Township officials and other interested parties to discuss the issue. The DNR does not support this bill.

Senate Bill 1105, Payment-in-Lieu of Taxes (PILT) Legislation: This bill amends the statutory language that addresses PILT on purchased lands for the DNR. The bill has progressed through the Senate and the House, was referred to a Conference Committee, and will be addressed following November 4.

### **BUDGET UPDATE**

**Dennis Fedewa, Chief Deputy**, reported that this has been the most difficult budget process he has experienced in many years. There appears to be continual erosion of General Funds to the DNR and PILT has yet to be resolved. Discussion ensued relative to PILT payments.

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The Committee of the Whole meeting adjourned at 4:55 p.m.

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### **REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION**

**Chairman Charters** called the regular meeting of the Natural Resources Commission (NRC) to order at 5:05 p.m. and recognized former **Commissioner Paul Eisele**, who was in the audience. He also recognized DNR staff including: Mindy Koch, Resource Management Deputy; Dennis Fedewa, Chief Deputy; Jim Ekdahl, Field Deputy; Alan Marble, Law Enforcement Division Chief; Rodney Stokes, Legislative Liaison; Lowen Schuett, Acting Parks and Recreation Bureau Chief; David Freed, Office of Land and Facilities Chief; Bernard Hubbard, Acting Chief for Forest, Mineral and Fire Management Division; and other DNR staff.

### **PUBLIC APPEARANCES**

Tom Barnes, Executive Director, Michigan Association of Timbermen  
Rich Bowman, Trout Unlimited  
Brian Callahan, President, Inland Lakes Snowmobile Club  
Don Canfield, Tahquamenon Sportsman Club  
Dan Cook, South Shore Fishing Association  
Doug Craven, Natural Resources Director, Little Traverse Bay Bands  
Jim Dabb, Northwoods Chapter of Safari Club International  
Alan Ettenhofer, Chairman, UP Whitetails Association  
Gray Fischer, Gaylord to Cheboygan Trail Work Group  
Joe Hallek, Chippewa County Shooting Association  
Ray Hollingsworth, Ogemaw Hills Pathway Council  
Tim Kobasic, Hunter Safety Instructor  
George Lindquist, UP Whitetails in Marquette County  
Alex Lukatz, Felch  
Jay Maki, MUCC, Region I  
Bill Malloch, UP Sportsman's Alliance  
G. Dale McNamee  
Chauncy Moran

MINUTES  
Page 5  
October 7, 2004

Jim Okrascewski, MeadWestvaco  
Doug Schuneman, Alger County Fish and Game Alliance  
Jim Spencer, Circle S. Farm, Pickford  
Dwayne Staff, Eastern UP Wildlife Coalition  
Bob Ulrich, Inland Lakes Snowmobile Club

**G. Dale McNamee** commended the NRC for selecting Becky Humphries as DNR Director. He believes that a quality deer herd cannot occur without removing the pressure on adult male deer in the population. He suggested the following: change the combination license to allow the taking of only one buck in those areas where antlerless hunting is allowed; make the youth hunt an antlerless hunt; recognizing that deer have an economic impact on agricultural operations, look for other solutions than over-harvesting deer on agricultural lands; and institute mandatory harvest registration.

**George Lindquist, UP Whitetails in Marquette County**, reported that eight public meetings were held in Michigan where approximately 700 concerned hunters and landowners commented. Wildlife Division staff gave presentations at these meetings. Six major categories of comments were received as follows, in the order of priority: Mandatory deer check was suggested; hunters do not believe DNR deer population figures; request to manage deer by deer management unit (DMU); do not believe the post card mail survey was adequate to estimate harvest; wanted an accounting of hunter license revenue; and stated that the DNR does not listen to hunters. He recommended a one-buck license or implement antler restrictions. If antler restrictions are implemented, impose a small fine for shooting a buck that is less than four points on a side. **Commissioner Wheatlake** noted that the NRC Policy Committee on Finance and Administration meets quarterly and discusses the various DNR funds, and the funds are accounted for in that open forum. He recommended that a Finance and Administration Committee meeting be held in the UP.

**Doug Schuneman, Alger County Fish and Game Alliance**, supports coho planting in Lake Superior and supports the Total Allowable Catch (TAC) being increased in MI-6. He reported that in September, DNR-planted fish were being caught and said the lake trout fishing has been excellent. He requested that the UP (specifically Alger County) goose season be expanded to be September 20 until November 12. **Commissioner Madigan** thanked him for coming and presenting his comments.

**Rich Bowman, Trout Unlimited**, recommended staff and the NRC to contact Senator Sikkema and their Legislators during the Lame Duck session, in support of House Joint Resolution Z - protecting restricted DNR funds from raid. **Mr. Bowman** supported FO-200 changes to a 20 inch-one fish brook trout limit in Lake Superior in an effort to rehabilitate coho stocks; and are concerned with the changes on the Muskegon River. Trout Unlimited is neither supporting or opposing the change on the Muskegon River. Below Croton Dam, the Federal Energy Regulatory Commission (FERC) license was reissued in 1995 and the river then went from a hydro-peaking operation to a modified run-of-the-river, increasing the amount of food produced in the river. In response, the DNR significantly increased the trout plantings to take advantage of the increased food production. He encouraged the DNR to review the population in that area to determine if the regulation impacts the population. **Mr. Bowman** attended the Wild Trout Symposium in Yellowstone National Park where no one from the Michigan DNR was in attendance. He indicated that, if budget is the reason Michigan was absent, Trout Unlimited would be willing to assist to ensure Michigan is represented.

**Dan Cook, South Shore Fishing Association**, presented a resolution by the Association requesting that the historical level of coho stocking is resumed in the Marquette area by the DNR. **Commissioner Madigan** stressed the importance of groups working closely with the DNR on these issues.

**Jim Okrascewski, MeadWestvaco**, discussed the current status of timber production in Michigan. Currently, timber sales from public land is declining with the demand increasing; competition from Wisconsin and Minnesota mills is increasing; stumpage prices are increasing; and Michigan and the lake states are becoming less competitive in North America and globally. He believes it is a good time to increase production thus increasing profits; appoint a forest finance authority and conduct forest pilot projects in cooperation with industry as soon as certification is achieved; and recommended that the DNR work with regional/national foresters. He reviewed historical timber production numbers. **Director Humphries** noted that the DNR is participating in the forest planning process. **Commissioner Wheatlake** questioned who the NRC should contact? **Mr. Okrascewski** suggested working at the national level, but it should also work on a regional level. **Commissioner Wheatlake** asked, if the price of timber is so high and it is the Michigan industry in trouble, how can Minnesota and Wisconsin afford to come into the UP and take that same product back to be processed? **Mr. Okrascewski** did not have an answer and has the same question. **Commissioner Brown** asked how much importation of wood from Canada is occurring? **Mr. Okrascewski** did not know the answer; however, MeadWestvaco imports insignificant amounts from Canada, but there are other wood using facilities in Michigan that do import from Canada. He stated that MeadWestvaco is selling some lands that are predominantly wildlife habitat. **Deputy Koch** noted that the State Forester spends 25 percent of his time meeting with other states' foresters. **Mr. Okrascewski** stated that there needs to be a renewed sense of cooperation between all interested parties in these issues to work together. **Commissioner Madigan** asked if MeadWestvaco has offered some of the properties it wishes to liquidate to the DNR for habitat management. **Mr. Okrascewski** responded yes.

**Ray Hollingsworth, Ogemaw Hills Pathway Council**, noted that the Council is a cooperative effort involving the DNR and several other Ogemaw County groups. His comments focused on a 2003 DNR decision to change the pathway system that he believes has compromised the enjoyment, safety and aesthetic value of the trail system for its users. **Chairman Charters** recommended that Bernard Hubbard work with Mr. Hollingsworth on this issue.

**Brian Callahan, President, Inland Lakes Snowmobile Club**, recommended establishing and opening the Mullett Lake area of the Cheboygan to Gaylord Trail to snowmobiles. He believes that the Cheboygan to Gaylord Trail Work Group was not functional. **Deputy Koch** disagreed. She stated that there were roadblocks outside the control of the group or the DNR that delayed progress, but the issues are still being discussed and worked through. Progress is being made.

**Bob Ulrich, Inland Lakes Snowmobile Club**, requested Director Humphries to rescind the Director's Order prohibiting snowmobiling on the 12 mile, Mullett Lake stretch of the Cheboygan to Gaylord Trail. He also requested that the NRC take an active role in opening this section of trail to snowmobiling. **Commissioner Wheatlake** assured him that there are many issues involved in fulfilling his request, and they are being addressed.

**Chauncy Moran** commended DNR staff for doing a good job. Relative to timber management, he encouraged the DNR not to be aggressive to harvest timber and to work toward selecting a processor to do the job right.

**Dwaine Starr, Eastern UP Wildlife Coalition**, supports statewide quality deer management (QDM) and believes surveys and science support it.

**Don Canfield, Tahquamenon Sportsman Club**, is pleased with the progress being made to increase the deer herd in his area. He questioned why he cannot put the same hay that was on his property in June/July/August, back on his land in December/January/February. **Director Humphries** commented that hay creates a perfect environment for the spread of M. bovis and generally the hay is not spread out, but kept in whole bales or rolls. Though we don't believe the

diseases exist in the UP, the State is taking precautions. **Commissioner Madigan** stated that the UP is lucky have supplemental feeding at all, but the risk cannot be afforded of bringing diseases into the area.

**Jay Maki, MUCC Region I**, thanked the NRC for allowing supplemental feeding in the UP. He noted that a resolution was passed by the UP Sportsmans Congress opposing the QDM proposals. He urged the NRC to, as soon as possible after wolves are delisted by the Federal government, to arrange a trapping/hunting season on excess wolves in the UP. **Commissioner Madigan** thanked Mr. Maki for his participation in the UP Habitat Work Group.

**Tom Barnes, Executive Director, Michigan Association of Timbermen**, introduced himself and stated he looks forward to working with the DNR and the NRC.

**Alan Ettenhofer, Chairman, UP Whitetails Association**, provided the results of the survey of their membership and provided random comments received. They received 409 total votes. Following are the questions and how the membership responded:

Would you permit technical assistance personnel on your property to development and implement cost sharing forestry and wildlife stewardship programs to protect existing habitat? Yes: 227, No: 168

Would you support harvesting antlerless deer according to the QDM proposal even if the deer population estimates were below herd population goals? Yes: 99, No: 301

Would you be in favor of increasing the antlerless harvest in certain (summer range) habitat areas that are negatively impacted by deer? Yes: 251, No: 146

Are you in favor of the QDM proposal, as written, and accepted by the DNR in the 2004 UP Whitetails Association, Inc., newsletter? Yes: 136, No: 245

Would you be in favor of going back to one buck for all three seasons? Yes: 149, No: 252

Would you be in favor of only one buck for bow and one buck for rifle? Yes: 191, No: 206

Are you in favor of mandatory registration? Yes: 199, No: 200

In your opinion, do you feel quotas are adequate in existing antlerless areas? Yes: 167, No: 206

**Mr. Ettenhofer** asked that the NRC and DNR review these results and the comments provided.

**Commissioner Garner** asked if the Association was still looking at conservancies.

**Mr. Ettenhofer** responded yes, and the next meeting of the UP Habitat Work Group will focus on conservancies.

**Tim Kobasic, Hunter Safety Instructor**, expressed disappointment that the DNR withdrew its support for HB 4225, to reduce the hunting age in Michigan. **Director Humphries** reaffirmed that said she feels very strongly about this issue and will continue to work with the Legislature to review the appropriate age at which kids should get into hunting. **Commissioner Hall** stated that he has discussed this issue with several hunter safety instructors and less than 10 percent of those he talked to think age 12 is old enough and mature enough to hunt with a firearm.

**Jim Dabb, President, Northwoods Chapter of Safari Club International**, has been a hunter safety instructor for 38 years. He expressed disappointment that the DNR withdrew its support

for HB 4225. He would support an amendment to the Bill to require direct, immediate, within arms-length supervision of the youth and asked that the DNR reconsider its position.

**Joe Hallek, Chippewa County Shooting Association**, expressed concern that, with law enforcement agencies utilizing the shooting range, members do not get the opportunity to utilize it. They need to expand the facility. **Chairman Charters** recommended that he discuss this issue with **LED Chief, Alan Marble**, on ways to apply for funding such as through the Michigan Natural Resources Trust Fund.

**Bill Malloch, UP Sportsman's Alliance**, stated that the Alliance cannot support the QDM proposal as presented, because the initial five year studies have not been completed. They also feel that the 1320 (66 percent of 2000) is much too small a sample to accept the proposal.

**Alex Lukatz, Felch, Michigan**, discussed a property access issue he is experiencing. He was referred to Bernie Hubbard.

**Doug Craven, Natural Resources Director, Little Traverse Bay Bands**, requested that the DNR and NRC review the Director's Order issued in the 1980's to close the north side of Wycamp Lake in Emmet County, west of Pellston, to camping and entertain the possibility of reopening. **Director Humphries** stated that staff would look into this request.

**Jim Spencer, Circle S Farm, Pickford**, lost 19 head of cattle over past two years to what he believes to be wolf attacks. He has worked with the DNR on recouping his losses. The NRC and staff recommended he communicate with the Michigan Department of Agriculture relative to his financial losses.

**Gray Fischer, Gaylord to Cheboygan Trail Work Group**, discussed the progress that has been made relative to opening up snowmobiling on the 12 mile trail stretch near Mullett Lake. He envisions a paved trail that will attract year-round activity, and a 30 mile trail through forest areas for snowmobile use. He invited the NRC (those who have not already done so) to come and ride the trail. He said that a lot of progress has been made in the Work Group and requested support for finishing the job. He did say, however, that a full trail proposal has to be developed prior to opening up the trail.

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The Public Appearances portion of the meeting adjourned at 7:37 p.m., and the Regular Meeting of the NRC convened at 7:38 p.m.

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#### **APPROVAL OF MINUTES – SEPTEMBER 9, 2004 NATURAL RESOURCES COMMISSION MEETING**

Commissioner Garner made a motion, supported by Commissioner Wheatlake, for approval. Motion unanimously carried.

#### **INTERIM ORDER ON DISEASE CONTROL REPLACEMENT PERMITS, WILDLIFE CONSERVATION ORDER AMENDMENT NO. 4**

Commissioner Garner made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.



**DIRECTOR'S ACTION ITEMS**

**Director Humphries** stated her intent to sign all Director's Action Items on the Agenda.

**COMMISSIONER REPORTS**

**Commissioner Wheatlake** noted that he will represent the NRC at the Michigan Charter Boat Association annual meeting on October 23, 2004 in Traverse City. He also announced that he will not attend the November 4, 2004 NRC meeting.

**NRC Policy Committee on Wildlife Issues Meeting Report**

**Commissioner Garner, Committee Chair**, reported that the NRC Policy Committee on Wildlife Issues met earlier, October 7, 2004, at 1:30 p.m. Commissioners Garner and Hall were present for the Committee. Items of discussion were: Spring Wild Turkey Regulations; Opportunities for Hunters with Disabilities; Privately-owned Cervid Audit Update; and other wildlife matters.

**Representative Tom Casperson** attended the meeting and discussed forestry issues.

**Commissioner Garner** said that there is a great deal of confusion relative to Commercial Forest Act lands and there are a number of property owners who are trying to treat Commercial Forest Act land as their own private land, which it is, except they have to allow hunting and fishing on this property. Some landowners are posting signs that restrict many activities and access, to appear as a no trespassing sign. He recommended that staff enforce the law on these properties to uphold the intent of the Act. The NRC supported **Commissioner Garner's** request.

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The meeting adjourned at 7:45 p.m.